



Bartlett Hackett Feinberg P.C.

155 Federal Street, 9th Floor
Boston, MA 02110
Tel:(617)422-0200
Fax:(617)422-0383

January 11, 2008

BY ECF

Hon. Mark L. Wolf
Chief Judge
United States District Court
John Joseph Moakley Federal Courthouse
Room 5110
1 Courthouse Way,
Boston, MA 02210

Re: L & T Yacht Sales, Inc.
Vs: Post Marine Co., Inc.
C.A.: 05-11682-MLW

Dear Judge Wolf:

I represent Defendant Post Marine Co., Inc. ("Post") in the above matter, which is scheduled for pretrial conference on February 3 and for trial on or after February 11, 2008. I am writing for two purposes.

First, the Memorandum and Order dated December 27, 2007 states at page 22 that the Court reserves ruling on Post's Motion to Exclude Testimony et al. and that "if Post wishes to maintain its motion, the court will address it prior to trial." Post hereby requests that the Court address the motion at its earliest convenience. The Court's procedural order dated December 27, 2007 provides a series of deadlines, one of which is January 18, and a ruling on the motion will certainly affect the parties' actions in complying with the procedural order. Post intends to file a supplemental motion which addresses the Court's observation in its summary judgment opinion that Mr. Hamilton (who is not a party to this case) may personally have damages resulting from the loss of use of the boat.

Second, Post requests that the Court clarify or amend the procedural order dated December 27, 2007 to provide that the order does not extend any of the dates contained in the Court's May 30, 2006 scheduling order (docket number 11). It is Post's position, as set forth in the Motion to Exclude Testimony et al., that the Plaintiff has failed to comply with the prior deadlines, and Post requests that the Court clarify the December 27, 2007 order by indicating that it is not intended to allow disclosures or discovery responses which were not timely made in response to the May 30, 2006 order and discovery requests.

If the Court would prefer that this second request be made in the form of a formal written motion, please advise me and we will submit such a motion. Thank you for your consideration of this matter.

Very truly yours,

HOWARD M. BROWN

cc: John Zajac, Esq. (by ECF)